

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4283 of 1983

Date of decision: 16-08-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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R.J.TRIVEDI

Versus

S.K.MAHAPATRA  
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Appearance:

None present for Petitioner  
Mr. Nigam Shukla for Respondent No. 1  
None present for Respondent No. 2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/08/96

ORAL JUDGEMENT

Perused the file and heard the learned counsel  
for respondent No.1.

Under order dated 29th August,1983 the petitioner was ordered to be transferred from the post of Office Superintendent, Education Branch, District Panchayat, Baroda to the post of Head Clerk, Irrigation (PWD) Branch, District Panchayat, Baroda in place of one Shri R.D.Maske. ShriR.D. Maske was transferred in place of the petitioner. This order has been challenged by the petitioner before this Court. On 6-9-1983 notice was issued and status quo was ordered to be maintained. Rule was issued on 18-11-1983 and status quo was ordered to continue. On 9-12-1983 the matter had come up for orders before this court. On that day learned counsel for the petitioner made statement before this court that the post which the petitioner was holding was still vacant and no body has taken charge of that post, and request was made to allow the petitioner to continue on that post till final disposal of this writ petition. This position has also been accepted by the counsel appearing for the respondents. The court ordered, though without prejudice to the rights and contentions of the respondents, that by way of interim arrangement the respondents shall allow the petitioner to continue on the post. The said order has continued for all this time.

2. The petitioner had entered in service on 1-3-1955. By now he would have retired or he may be at the verge of retirement. Therefore I do not consider it proper at this stage to decide this matter on merits. I am of the opinion that the interest of justice would be met in case the petition is disposed of with direction to respondents not to give effect to the order dated 29th August, 1983 to the extent it relates to the petitioner.

3. In the result the petition stands disposed of with direction to the respondents not to give effect to the order annexure dated 29th August, 1983 to the extent it relates to the petitioner. Subject to the aforesaid direction rule discharged. No order as to costs.

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csm